

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LARRY P. LOWELL, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:13-CV-229-TAV-CCS
)	
SUMMER BAY MANAGEMENT, LC, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiffs' Motion for Approval of Form and Plan of Notice to Class Member of Certification of Class Action [Doc. 47], in which the Plaintiffs propose to send three separate notices to members of the three classes in this case advising them of the certification of this action, their rights generally, and the nature of this action. Plaintiffs' motion indicates that the Plaintiffs will send notice on or before June 13, 2014. However, the Court entered a Memorandum and Order on May 1, 2014, finding that the Defendants had failed to comply with the Court's Order entered March 17, 2014, and affording Plaintiffs ten additional days to send notice.

The Motion for Approval of Form and Plan of Notice to Class Member of Certification of Class Action [Doc. 47] was filed on April 3, 2014. The Defendants have not filed a response in opposition to the Motion for Approval, and their time for responding has expired. See E.D. Tenn. L.R. 7.1. When counsel for the Defendants appeared before the undersigned on April 28, 2014, the Court noted that the Defendants had not filed a timely response to the Motion for

Approval. At that time, counsel for the Defendants represented to the Court that the Defendants do not oppose the proposed notices.

The Court has reviewed each of the three proposed notices [Docs. 47-1, 47-2, and 47-3], and the Court finds that they supply the necessary information in an appropriate form pursuant to Fed. R. Civ. P. 23(c)(2)(B). The Court finds that the Plaintiffs have demonstrated good cause for using the proposed notices to notify class members of this action.

Accordingly, based upon the lack of opposition and for good cause shown, the Court finds that the Motion for Approval of Form and Plan of Notice to Class Member of Certification of Class Action [**Doc. 47**] is well-taken, and it is **GRANTED**. Consistent with the Court's previous Orders [Docs. 43 & 52], the Plaintiffs shall mail the proposed notices on or before **June 23, 2014**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge